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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) 2:04-CV-1867 WBS/JFM
11 Plaintiff,)
12 v.) **JOINT REQUEST FOR STAY
13 REAL PROPERTY LOCATED AT 2363) AND ORDER THEREON
14 FAIRVIEW LANE, PLACER COUNTY,)
15 NEWCASTLE, CALIFORNIA, BEARING)
16 APN: 032-253-036, INCLUDING ALL)
17 APPURTEANCES AND IMPROVEMENTS) DATE: N/A
18 THERETO,) TIME: N/A
19) COURTROOM: N/A
20 REAL PROPERTY LOCATED ON LINCOLN)
21 STREET, PLACER COUNTY, ROSEVILLE,)
22 CALIFORNIA, BEARING)
23 APN: 012-200-010, INCLUDING ALL)
24 APPURTEANCES AND IMPROVEMENTS)
25 THERETO,)
26 Defendants.)
27)
28)**

29 Plaintiff United States of America and claimants Richard
30 Ryan, Barbara Ryan, City of Roseville Redevelopment Agency, and
31 American River Bank [hereafter "Claimants"], by and through their
32 respective counsel, hereby stipulate that a stay is necessary
33 with respect to the proceedings involving the real property
34 located on Lincoln Street, Roseville, California, and request
35 that the Court enter an order staying all further proceedings

1 with respect to the Lincoln Street property (except as provided
2 below in ¶ 4 with respect to Barbara Ryan. The parties to the
3 stipulation do not intend that this stay affect the proceedings
4 regarding the real property located at 2363 Fairview Lane,
5 Newcastle, California.

6 1. Claimants Richard Ryan and Barbara Ryan each filed a
7 Claim on November 5, 2004, and filed an Answer to the Verified
8 Complaint For Forfeiture In Rem on November 24, 2004. Claimant
9 American River Bank filed its Claim and Answer to the Verified
10 Complaint on September 30, 2004. Claimant City of Roseville
11 Redevelopment Agency filed its Claim and Answer to the Verified
12 Complaint on October 7, 2004. No other parties have filed a
13 claim in this forfeiture action to the Lincoln Street property.

14 2. Pursuant to 18 U.S.C. §§ 981(g)(1), 981(g)(2) and 21
15 U.S.C. § 881(i) the parties seek a stay of discovery with respect
16 to the Lincoln Street property. The United States contends that
17 the Lincoln Street property is forfeitable to the United States
18 pursuant to 21 U.S.C. § 881(a)(7) because a so-called "medicinal
19 marijuana" dispensary was being operated on the premises by
20 Richard Marino¹ dba Capitol Compassionate Care ("CCC"). A
21 criminal investigation concerning CCC, in which Mr. Marino is a
22 target, is currently underway. The Lincoln Street property was
23 leased to Mr. Marino by claimant Richard Ryan. Claimants Richard
24 Ryan and Barbara Ryan have asserted ownership interests in the
25 property. The United States intends to subpoena Richard Ryan to
26 appear for a deposition so the United States can question him
27

28 ¹ Richard Marino is not a claimant in these proceedings.

1 about various topics, including but not limited to his knowledge
2 as to whether Richard Marino was operating a marijuana dispensary
3 on the Lincoln Street property and his involvement, if any, in
4 the operation of the business. Counsel for Mr. Ryan has informed
5 counsel for the government that, based upon information counsel
6 for Mr. Ryan has received, Mr. Ryan would invoke his privileges
7 under the Fifth Amendment if his deposition were conducted.

8 3. In addition, Claimants Richard Ryan and Barbara Ryan
9 intend to depose Special Agents from the Drug Enforcement
10 Administration who have been involved in the investigation of
11 Richard Marino. On October 31, 2005, the United States was
12 served with deposition notices for four Drug Enforcement
13 Administration agents and two local law enforcement officers.
14 The depositions are noticed for December 9, December 16, and
15 December 21, 2005. Allowing depositions of the law enforcement
16 investigators involved in the Marino investigation would
17 adversely affect the ability of the government to properly
18 investigate and possibly prosecute the Marino case.

19 4. The parties to this stipulation agree that the
20 deposition of Barbara Ryan can go forward on a date mutually
21 acceptable to the parties. The parties are not concerned that
22 Barbara Ryan will incriminate herself if she testifies.
23 According to the Status (Pretrial Scheduling) Order signed by
24 this court on April 13, 2005, all discovery is to be completed by
25 January 16, 2005. The parties will depose claimant Barbara Ryan
26 before January 16, 2006.

27 5. For the foregoing reasons, the parties jointly request
28 that this matter be stayed initially for a period of six months.

1 If at the end of six months no charges have been filed against
2 any individual, discovery will commence again and the parties
3 will seek a new scheduling order from this court. Conversely, if
4 charges have been filed, the parties will then evaluate whether a
5 further stay is necessary.

6

7 Dated: 1/12/06

McGREGOR W. SCOTT
United States Attorney

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By

/s/ Kristin S. Door
KRISTIN S. DOOR
Assistant U.S. Attorney
Attorneys for Plaintiff

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10 Dated: 1/12/06

/s/ Kristin S. Door for
VICTOR S. HALTOM
Attorney for Claimants
Richard Ryan and Barbara Ryan

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12 Dated: 1/10/06

DUTRA & OATES

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By

/s/ Paul J. Dutra
PAUL J. DUTRA
Attorneys for claimant
American River Bank

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15 Dated:

MARK J. DOANE
City Attorney

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/s/ Michelle Sheidenberger
MICHELLE SHEIDENBERGER
Associate City Attorney
Attorneys for the City of Roseville
Redevelopment Agency

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(Original signatures retained by
attorney)

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ORDER

2 Pursuant to the stipulation of the parties and good cause
3 having been shown, discovery with respect to the Lincoln Street
4 property is stayed until July 14, 2006, except that
5 plaintiff may depose claimant Barbara Ryan on a mutually
6 agreeable date prior to January 16, 2006.

IT IS SO ORDERED.

Dated: January 12, 2006

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE